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STATE FOR WHA/CAR RCBUDDEN, G/TIP, G, INL, DRL,PRM, WHA/PPC

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SUBJECT: BAHAMAS: SEVENTH ANNUAL TRAFFICKING IN PERSONS
REPORT

REF: 06 STATE 202745

OVERVIEW OF ACTIVITIES

1. (SBU) A: There have been substantiated reports indicating that The Bahamas is a country of destination for trafficking in persons, particularly labor trafficking, but the extent of the problem is unknown. There have been no substantiated reports of The Bahamas as a country of origin or transit, or of trafficking for commercial sexual exploitation, child labor or other forms of serious trafficking. At particular risk are the vulnerable Haitian communities, but known cases also include persons from other migrant groups. More research is needed to determine the extent of the problem, as there are no government or other statistics available to quantify trafficking. A governmental task force has been established to examine the issue, but it has made only limited progress in assessing the scope of the problem.

-- Post has received reliable, consistent and ongoing reports from a local human rights NGO, a Haitian community group, employers and individual migrant workers indicating a labor trafficking problem. Some government officials privately agree that the problem exists. These sources indicate that labor trafficking is commonplace, and informal estimates of the number of persons trafficked range from over one hundred to over one thousand. These rough estimates have not been confirmed and are not supported by formal study.

-- Post has received several direct complaints regarding trafficking in the domestic service industry. In three cases, sources have reported that employers have withheld travel documents from migrant domestic workers and physically restrained them inside the house where they are employed outside of work hours. In one case, the migrant domestic worker alleged sexual abuse. More widespread existence of labor trafficking in the domestic service industry was suggested in Post's meetings with leaders in the local Haitian community, a local human rights NGO, and by contacts in the general community. All contacts believed that labor trafficking in domestic service was widespread.

12. (SBU) B: According to a September 2006 IOM study on Haitian migration, there are an estimated 30,000 - 60,000 Haitians in The Bahamas who "are not well integrated into Bahamian society." The study found distrust of Bahamian authorities by the Haitian community and claims of abuse of Haitians by Bahamian authorities. The IOM study also found that members of the Haitian community serve as a source of cheap labor and that employers use migrant labor without regard to legality of the employment. It found that Haitian workers may be surcharged by employers to obtain documentation and found that Haitian workers claim to be paid wages unacceptable to Bahamian workers. The 2006 study follows the IOM's 2005 Exploratory Assessment of Trafficking in Persons in The Bahamas, where the IOM concluded that The Bahamas provides an environment "fertile for facilitating the criminal activity of trafficking in persons." Many persons interviewed by IOM in the 2005 assessment believed that trafficking existed, and several felt the problem was widespread.

13. (SBU) B, CONTINUED: The Bahamas is experiencing strong job and economic growth, creating a demand for foreign workers. Local immigration law requires employers to request migrant work permits from the Department of Immigration before the worker arrives in The Bahamas, with delivery of the permits made to the employer and limited to work for the particular employer. The employer has the ability to cancel the permit directly with the Department of Immigration and require the migrant to return home. Compliance with the work permit requirement is uneven, and immigration enforcement against illegal migrants is vigorous. Some employers do not request work permits, some receive permits after lengthy delays during which the worker is in The Bahamas without

documentation, and some employers withhold visas from workers once obtained. Some employers are exploiting workers who have migrated willingly and accepted offers of labor by express and implied threat of deportation if employment demands are not met. Some employers use the threat of withdrawal of the employer-specific and employer-held permits, and/or the threat of turning the employee over to immigration, as a point of leverage to require migrant workers to work longer hours, at lower pay, and in conditions not permitted under local labor law. There are known cases of the use of physical restraint of workers during off-duty hours. Vigorous immigration enforcement, lack of migrant trust of authorities, lack of legal protections for the workers and poor conditions in the country of origin combine to create disincentives for migrants to complain. Government directions that complaints be made to the Department of Immigration contribute to the lack of reporting by vulnerable migrants.

14. (SBU) C: In practice, the Government's ability to respond to trafficking is limited by its procedures for reporting and monitoring trafficking, and by its methods for providing work permits directly to an employer limited to work for that employer. The official position of the Government is, because it received no official reports of trafficking, it is not a problem. However, some government officials have privately expressed concern. The Government publicly said that trafficking reports should be made to the Department of Immigration. However, because no protections exist for trafficking victims under law, trafficking is not clearly unlawful in The Bahamas, employers have the ability to withdraw work permits, and because of strong anti-immigrant efforts by the Department of Immigration, victims are very unlikely to report their employers to the Department of Immigration. According to reliable contacts within the vulnerable Haitian community, potential trafficking victims are unwilling to approach Bahamian immigration or law enforcement officials due to fear of deportation. The Government currently lacks the resources to fully study and evaluate the trafficking issue without outside assistance. Without more direct reports of trafficking to the Government, the issue is not a high priority for funding or attention. If these problems were overcome by passage of legislation to

protect trafficking victims, make trafficking illegal, and establish a reporting authority outside of the Department of Immigration, corruption and capability would not be limiting factors.

¶15. (SBU) D: The Government does not systematically monitor anti-trafficking efforts or have assessments of those efforts.

PREVENTION

¶16. (SBU) A: The Government does not officially recognize trafficking as a significant issue because there have not been complaints to the Department of Immigration or police regarding trafficking. However, some government officials privately acknowledge potential problems. Immigration or police officials receiving reports, particularly of the subtle types of labor trafficking alleged, may lack sufficient training to recognize the issue as a trafficking, as opposed to an immigration or work permit problem.

¶17. (SBU) B: The Department of Immigration takes the lead in anti-trafficking issues, and has publicly stated that it is the point of contact for trafficking concerns. There is also an informal Trafficking in Persons Task Force, including representatives from the Department of Immigration, the Ministry of Social Services, the Legal Aid Clinic and the Attorney General's Office. Two members of the Task Force are also involved with a local human rights NGO formed in late 2006 to address migrant rights issues. The Task Force did not meet regularly in 2006, but its members appear eager to address trafficking concerns.

¶18. (SBU) C: The Government participated in a regional anti-trafficking training program with the IOM in June. The program, which trained law enforcement persons to identify and respond to trafficking was well attended and helped increase awareness of trafficking in local law enforcement. However, lack of local trafficking laws continue to limit the effectiveness of such training.

¶19. (SBU) D: The government actively promotes women's rights and equal opportunity for employment in the public and private sectors. Women are active in politics, and are represented at the highest levels of government, including the Attorney General and the Deputy Prime Minister. Children are required to attend school through age 16, and generally do so. These factors, and the relative wealth of the nation, serve to limit trafficking in Bahamians.

¶110. (SBU) E: Government is responsive to civil society. The makeup of the Trafficking in Persons Task Force, including persons affiliated with a human rights NGO, is generally reflective of a good relationship between government and civil society. According to the IOM, the Government is a highly cooperative and strong ally on anti-trafficking efforts. Post believes that the Government would be receptive to approach by civil society or the U.S. to improve anti-trafficking efforts.

¶111. (SBU) F: The Government does not monitor immigration and emigration patterns for evidence of trafficking, or screen for potential trafficking victims along borders.

¶112. (SBU) G: The Trafficking in Persons Task Force is the mechanism for coordination and communication between various agencies and serves as the point of contact for trafficking issues. However, the Task Force does not regularly meet and did not have significant output during the reporting period. There is no public corruption task force.

¶113. (SBU) H: The Government does not have a national plan to address trafficking in persons.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶14. (SBU) A-J: The Bahamas does not have a law specifically prohibiting trafficking in persons, but it would likely be receptive to one. A member of the Department of Social Services and the Anti-Trafficking Task Force has requested copies of anti-trafficking legislation from Jamaica, which Post has provided. Under existing law, some traffickers could be prosecuted under Title X of the Statute Law which addresses sexual offenses, abduction, prostitution and domestic violence. Under Chapter 99 of Title X, persons who attempt to procure an individual for the purposes of prostitution by force, threats, intimidation or drugging is guilty of a crime subject to eight years imprisonment. The law also contains provisions against the forcible detainment of women and children. Sexual assault and rape are criminal, with penalties of 7 years to life. The Government has prosecuted no traffickers, had no occasion to cooperate on trafficking cases, and does not actively investigate cases of alleged trafficking. It claims it does not do so because of lack of complaints.

¶15. (SBU) C: There are no known statutes that specifically punish labor trafficking or provide punishment for labor recruiters. There are no specific laws addressing employer confiscation of documentation, switching of contracts as part of labor trafficking or withholding of salary as part of trafficking. However, there is a well-developed labor law that provides for minimum wages, maximum working hours, clear statement of terms of employment and significant additional worker protections. Relevant law protecting workers includes the Health and Safety at Work Act of 2002, the Employment Act of 2001, the Fair Labor Standards Act of 1988 and the Industrial Relations Act of 1970. However, migrant workers often do not have access to these legal protections.

¶16. (SBU) G: Reports have not alleged that organized crime syndicates are responsible for trafficking. It is alleged that individual employers are exploiting migrant workers, legal and illegal, who have migrated willingly and accepted offers of labor. The exploitation happens by threat of deportation, express and implied, if employment demands are not met. Further research is needed to determine whether organized smugglers work with employers to fill needs for workers.

¶17. (SBU) I: The government participates in regional training regarding trafficking in persons, including IOM training in June and participation in U.N.-sponsored activities. However, it does not independently provide trafficking training for government employees.

¶18. (SBU) K: The government has not been asked to extradite any person charged with trafficking in another country, but is generally cooperative with extradition requests. U.S. law enforcement enjoys strong cooperation from the Government on law enforcement matters, including on extradition of Bahamian nationals.

¶19. (SBU) L, M: There is no evidence of general government involvement in or tolerance of trafficking. However, in November 2006, Poloff received a report of a government official who withheld documentation of his Philippine domestic worker, threatened to and in fact did deport the worker for attempting to change employers, and kept the worker locked in her bedroom outside of working hours. The worker refused to file a complaint and there has been no action against the official.

¶20. (SBU) N, O: There is no known child sex tourism problem. The Government ratified ILO Convention 182 concerning the Prohibition of the Worst Forms of Child Labor on June 14, 2002. It ratified ILO conventions 29 and 105 of Forced or Compulsory Labor on May 25, 1976. It has not signed or ratified the Optional Protocol on the Convention on the Rights of the Child. It signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons on April 9, 2001, but has not ratified it.

PROTECTION AND ASSISTANCE TO VICTIMS

¶21. (SBU) A-I: There are no laws, programs, training or funding in place to protect or assist trafficking victims. However, a member of the Trafficking in Persons Task Force has suggested that the Bahamas Crisis Center, currently providing support to victims of sexual and domestic abuse, could provide assistance in counseling, referrals to law enforcement, a 24-hour hotline and related assistance to trafficking victims. There has been no formal action to expand the role of the Crisis Center to include work with trafficking victims. There are no formal screening or referral processes to protect potential victims. There are no local NGOs working locally to protect trafficking victims, but the Bahamas Human Rights Network is becoming increasingly interested in the issue as part of its outreach to local migrants. Additionally, IOM works regionally on trafficking issues and enjoys a strong relationship with the Government. The Red Cross, the Salvation Army and local church groups provide assistance to illegal migrants and would be willing to assist trafficking victims.

CONCLUSION

¶22. (SBU) Evidence of human trafficking in The Bahamas exists, arising primarily from the labor market for migrants. However, determining the number of persons trafficked remains difficult. Regardless, legislation to criminalize

trafficking and protect victims is needed. Also needed is review of a system that provides employers with too much control over documentation and does not give migrant workers access to the well-developed local laws protecting workers.

¶23. (SBU) Since listing The Bahamas as "special mention" in the 2006 TIP report, a positive change in official attitudes regarding trafficking appears to be under way. Of particular note is the development of the Bahamas Human Rights Network in late 2006, a new NGO focused on migrant rights developed with PRM funding and significant Post support. Two members of the Trafficking in Persons Task Force participate in the Network. Post's recent meetings with Task Force and Human Rights Network members on trafficking concerns have been positive. The request for sample legislation by the Task Force was particularly encouraging, as was discussion of the use of existing Crisis Center resources as a trafficking-victims protection center. Based on these positive developments, and continued lack of data to quantify the trafficking problem, Post requests that The Bahamas maintain its "special mention" status in the Seventh Annual Trafficking in Persons Report.

¶24. (U) The Post point of contact for trafficking is Gregory Floyd, Pol/Econ Officer, (242) 322-1181, fax (242) 356-0222. This report was drafted in six hours by Pol/Econ Officer, FS-04. Related investigation and meetings involved approximately 45 hours.

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